United Nations S/2006/149/Add.1

Security Council

Distr.: General
4 May 2006

Original: English

Letter dated 4 April 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached addendum to the sixth report from Belarus submitted pursuant to paragraph 6 of resolution 1373 (2001) (S/2006/149) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-30195 (E) 030506 040506

Annex

Note verbale dated 30 March 2006 from the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to send additional information on implementation by the Republic of Belarus of the Security Council resolutions 1373 (2001) and 1624 (2005) (see enclosure).

The Permanent Mission of the Republic of Belarus to the United Nations would appreciate it if the Counter-Terrorism Committee could circulate the attached information as a document of the Security Council.

Enclosure

[Original: Russian]

Additional information on the implementation by the Republic of Belarus of Security Council resolutions 1373 (2001) and 1624 (2005)

1. Implementation measures

1.7 Previous reports commented that border control measures were being implemented in cooperation with neighbouring States and that the Belarus State Committee on Border Troops was implementing increased inspection of persons and goods and creating an automated passport control system. The Committee would appreciate an update regarding the operational aspects of regulating the entry and exit of persons and goods and the interaction with asylum and refugee laws.

An automated border control system has been established at crossing points along the State border to effect automated logging and monitoring of border crossings, to suppress illegal activities on the border and violations of the passport and visa regime and to identify among the flow of persons crossing the border individuals involved in illegal activities whose right to cross the border has been temporarily restricted, pursuant to the legislation of Belarus and the international agreements to which it is a party.

The automated border control system allows for the automatic computerized exchange with relevant bodies (Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Statistics and Analysis, national Interpol bureau, etc.) of information gathered at crossing points.

To date, automated border control systems have been installed and are operational at 26 of the 59 active crossing points along the State border. In 2006, automated border control systems will be installed at another six crossing points.

In order to detect counterfeit documents during border crossings, the State Committee on Border Troops, jointly with Belarusian enterprises, is developing and procuring special equipment for verifying documents and a handbook, *The Atlas of Passports*, containing descriptions of over 1,000 different passports from around the world. An electronic version of the handbook is built into the automated border control system software. Today, the equipment and handbook are available in the necessary quantities at every crossing point.

Information received from the Ministry of Internal Affairs and the Ministry of Foreign Affairs about documents declared lost or invalid is used to enhance verification reliability.

At present, there are well-organized criminal groups abroad which produce counterfeit documents for migrants transiting illegally through Belarus to Western Europe. In order to prevent terrorists from crossing the border, controls of persons entering Belarus from countries where terrorists are active have been significantly tightened. In cases where such persons are found to have faulty documents, they

undergo thorough checks, which include requests for information from the law enforcement bodies of the relevant States.

As a result of the checks conducted of persons violating border legislation, the operational units of the border troops have identified and detained two individuals involved in terrorist activity in the Russian Federation.

During the period 2001-2005, in the course of border controls at crossing points on the State border, 408 persons were identified who were included in the lists of individuals whose entry into Belarus had been banned or deemed undesirable. The number of offenders in this category identified in 2005 was 2.3 times higher than in 2004.

Pursuant to the law of Belarus, border troops may detain foreign nationals who cross or attempt to cross the border illegally, regardless of whether they are refugees.

Officials of the State Committee on Border Troops are required to provide detained foreign nationals with an explanation of their legal status, including refugee laws and procedures for the submission and consideration of applications for refugee status. The officials must also give detained foreign nationals an opportunity to contact the appropriate office for citizenship and migration, as well as the Representation of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Belarus.

A detained foreign national has the right to submit to the border troop unit an application for refugee status in Belarus. Applications are accepted from the foreign national and from each of his or her family members aged 18 or over. Information on foreign nationals who have not yet reached the age of 18 is entered in the application of one of the parents, or, in the absence of parents, in the application of their legal representative.

A foreign national who is forced to cross the border of Belarus illegally and who applies immediately to the relevant bodies for refugee status will not be held liable for illegal entry into Belarus.

After receiving the application, the border troop unit that detained the foreign national must verify it and notify the appropriate citizenship and migration office within three days, indicating the place where the foreign national is being held. It must also coordinate with the office further procedures for considering the application submitted, including setting a place and time for an individual interview.

Border troop officials then carry out an investigation to establish the circumstances in which the foreign national illegally crossed the border of Belarus and his or her reasons for so doing. The written findings of the investigation are attached to the application.

Foreign nationals who are detained and apply for refugee status in Belarus are held in special border troop facilities separate from other detainees.

2. Implementation of resolution 1624 (2005)

2.2. What measures does Belarus take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

The State security and internal affairs agencies must inform the authorities considering applications by foreign nationals for refugee status in Belarus of the existence of circumstances constituting grounds for denial of asylum.

Such grounds include the commission of a terrorist act or incitement to commit a terrorist act.

The law of Belarus stipulates that foreign nationals with respect to whom there is good reason to believe that they have committed a serious non-political crime outside Belarus prior to entering its territory, as well as foreign nationals with respect to whom there is good reason to believe that they have been guilty of acts contrary to the purposes and principles of the United Nations, may not be granted refugee status.

Pursuant to the Guidelines on international protection: application of the exclusion clauses: article 1F of the 1951 Convention relating to the Status of Refugees, adopted by UNHCR on 4 September 2003, terrorist acts, depending on their seriousness, are classified as serious non-political crimes or as acts contrary to the purposes and principles of the Charter of the United Nations.

So far, there have been no cases in Belarus of refugee status being denied due to the commission of a terrorist act or incitement to commit such an act.

2.3 How does Belarus cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

The State Committee on Border Troops cooperates multilaterally and bilaterally with border agencies of foreign States.

The main purposes of cooperation among the border agencies of the States members of the Commonwealth of Independent States (CIS) are coordinated action on border protection; development and intensification of cooperation in border-related matters; and suppression of cross-border criminal activity, including terrorism. The Belarus State Committee on Border Troops participates in the work of the Commonwealth of Independent States Council of Commanders of Border Troops, which has developed a significant body of legal and regulatory instruments on joint border protection activity.[1]

[1] Agreement on cooperation among the States members of CIS in ensuring a stable situation on the external borders, of 9 December 1992; Treaty on cooperation in protecting the borders of CIS member States with States which are not members of the Commonwealth, of 26 May 1995; Agreement on the exchange of information on matters related to the protection of the external borders of CIS member States, of 12 April 1996; Agreement on procedures for the entry into and departure from States which are not members of the Commonwealth of nationals of CIS member

The State Committee on Border Troops also takes part in the work of the Eurasian Economic Community (EurAsEc) Council on Border Issues, established on 26 February 1999. A number of instruments govern border cooperation within the framework of EurAsEc.[2]

However, the practical application of the legal and regulatory framework for multilateral cooperation remains, for the time being, insufficiently effective. This being the case, in its efforts to prevent the entry into Belarus of individuals guilty of committing terrorist acts or of incitement thereto, the State Committee on Border Troops has been directing most of its attention to bilateral cooperation.

A priority has been the development of bilateral cooperation on border issues with the Russian Federation, including within the framework of the Union State Border Committee, established on 2 April 1997. The treaty and legal basis for cooperation between the border authorities of Belarus and the Russian Federation consists of a number of treaties and agreements, the most important of which is the Agreement between the Republic of Belarus and the Russian Federation on joint efforts in safeguarding the State Border of the Republic of Belarus, of 21 February 1995.

In order to combat cross-border terrorism and organized crime, the border troops of Belarus interact regularly with the border agencies of neighbouring States. Protocols on cooperation between the operational agencies of the border authorities have been signed with Lithuania, Latvia and Ukraine and are now being implemented. A protocol on cooperation with Poland is currently under consideration.

States, of 17 January 1997; Agreement on cooperation among the States members of CIS in combating illegal migration, of 6 March 1998; Agreement on cooperation among border troops in implementing border controls at crossing points on the borders between CIS member States and States which are not members of the Commonwealth, of 25 November 1998; Agreement on cooperation among the States members of CIS in combating crime, of 25 November 1998; Treaty on cooperation among the States members of CIS in combating terrorism, of 4 June 1999; Decision on counteracting international terrorism in the light of the OSCE Istanbul Summit outcome, of 25 January 2000; Decision on Regulations for a common database on illegal migrants and individuals whose entry into member States [omission] Agreement on cooperation among the States members of CIS in combating illegal migration in accordance with the laws in force in those countries, and on procedures for exchanging information on illegal migration, of 25 January 2000; Protocol confirming the Regulations on procedures for organizing and conducting joint counter-terrorism activities in the territories of the CIS member States, of 7 October 2002; Coordinated Border Policy of the CIS member States, of 26 August 2005; Regulations on a unified system of accounting for foreign nationals and stateless persons entering the territory of CIS member States, of 2 June 2005.

[2] Basic elements of the border policy of the EurAsEc member States, of 13 May 2002; Agreement on the exchange of information on border issues, among the EurAsEc member States, of 14 September 2001; Treaty on cooperation in protecting the external borders of the EurAsEc member States, of 21 February 2003.

4.2 The Committee would be grateful if Belarus would provide it with an update on assistance it has received, or is in the process of receiving, including on whether such assistance has satisfied, or is expected to satisfy, Belarus's needs related to the resolutions.

Targeted efforts are under way in Belarus to develop mutually advantageous international cooperation, including cooperation involving technical assistance to build capacity to combat terrorism.

Since March 2005, the State Committee on Border Troops has been carrying out a project jointly financed by the European Commission and the United Nations Development Programme (UNDP) and entitled "Enhancing Border Management in the Republic of Belarus" (BOMBEL-1), with a total budget of 4.7 million euros. One of the main project components is the completion of the installation of an automated passport control system at all entry points where travellers arrive by air and the development of an integrated communication system for Belarus's border troops.

Part of the second phase of this project (BOMBEL-2) involves setting up an automated passport control system at all roadway entry points. This would allow Belarusian border troops to become significantly more effective in identifying individuals involved in terrorist activities who are attempting to cross the border at entry points.

Cooperation between the State Committee on Border Troops and the Border Guard of Finland is moving forward effectively. A regular exchange of information on border control and combating illegal cross-border activity has been established and takes place semi-annually. The Finnish Border Guard has donated to the border troops of Belarus up-to-date equipment worth over US$ 50,000 for more thorough scrutiny of travel documents.

Given the transnational nature of the increasing terrorist and extremist threats, priorities for Belarus include the continuing development of mechanisms for practical cooperation and tactics adjustments in combating terrorism in the border troops' area of responsibility and the establishment of a system for timely information exchanges between law enforcement agencies, both within the Republic and abroad, on matters related to combating terrorism.

Over the last eight years, UNHCR has allocated over US$ 4.6 million for the implementation in Belarus of programmes to aid refugees and asylum-seekers as well as for technical assistance projects for State and civic organizations.

With financial, consulting and technical support from the UNHCR Representation in Belarus, many operational management issues having to do with migration and refugees have been resolved within the framework of the relevant projects. A temporary accommodation centre for refugees with spaces for 30 foreign nationals has been opened in Vitebsk. This year an EU-Tacis and UNHCR international technical assistance project entitled "Strengthening the national asylum system in the Republic of Belarus" is being carried out at a cost of more than 400,000 euros. The project will involve the establishment in Gomel of another temporary accommodation centre for asylum-seekers, the creation of a computerized system for registering and keeping track of refugees, assistance to the State in developing temporary or supplementary protection measures for refugees and

asylum-seekers and training for specialists in international refugee protection standards.

Another UNHCR international technical assistance project, which envisages among other things, seeking long-term solutions for refugees by integrating them into society, providing them with housing or repatriating them, is undergoing expert assessment in the Commission on International Technical Cooperation under the Council of Ministers of the Republic of Belarus.